

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 27, 2004**

## DIVISION ONE

B163230      People                                  (Not for Publication)  
v.  
Pugh and Williams

The matter is remanded for the trial court to issue an order staying Pugh's sentence on count 7 pursuant to section 654 and correct Pugh's abstract of judgment (1) deleting the four references to section 12022.5, subdivision (b) enhancements, (2) substituting therefore section 12022.53, subdivision (b), and (3) adding a notation that his 5-year sentence on count 7 and the 10-year, related section 12022.53, subdivision (b), enhancement are stayed pursuant to section 654. The corrected abstract shall then be forwarded to the Department of Corrections. In all other respects, the judgments are affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

B160586 Rezec, et al. (Not for Publication)  
v.  
Sony Pictures Entertainment, Inc.

The order denying defendant's section motion to strike is affirmed. The parties are to bear their own costs.

Mallano, J.

I concur: Spencer, P.J.  
I dissent: Ortega, J. (Opinion)

## DIVISION ONE (Continued)

B160800      Close      (Not for Publication)  
v.  
Compute International Resources, Inc.

The judgment is modified so as to award \$98,000 in damages and \$9,800 in prejudgment interest. As so modified, the judgment is affirmed. Plaintiff is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.  
Ortega, J.

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The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B161819 People (Not for Publication)  
B167280 v.  
Watson

The judgment is affirmed. The petition for a writ of habeas corpus is denied.

Mallano, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B163328      Ty      (Not for Publication)  
v.  
Epson America, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Nott, Acting P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B163597 Citicorp Vendor Finance, Inc. (Not for Publication)  
v.  
MedTech Center, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

B159893 People (Not for Publication)  
v.  
Jackson

The judgment is modified to strike rather than stay the prior prison term enhancement under Penal Code section 667.5, subdivision (b). The clerk of the superior court is ordered to prepare an amended abstract of judgment and to deliver it to the Department of Corrections. In all other respects, the judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

## DIVISION TWO (Continued)

B163441 People (Not for Publication)  
v.  
Rogers

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Doi Todd, J.

B165635 People (Not for Publication)  
v.  
Rodriguez

The judgment is affirmed.

Nott, Acting P.J.

We concur:   Doi Todd, J.  
                       Ashmann-Gerst, J.

B168808      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Yahya R.

The orders appealed from are affirmed.

Nott, J.

We concur:   Boren, P.J.  
                    Ashmann-Gerst, J.

DIVISION TWO (Continued)

B166808      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Brett H. et al.

The judgment is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

DIVISION THREE

B157249      Jay Reynolds  
B163468      v.  
                 County of Los Angeles

Filed order vacating submission of December 16, 2003, pending the receipt of letter briefs requested by the court.. The matters will be ordered resubmitted upon the filing of letter briefs.

DIVISION FOUR

B164069      Valley View Development      (Not for Publication)  
                 v.  
                 Henrichs, et al.  
                 Blaha, et al.

The judgment is affirmed.

Curry, J.

We concur:    Epstein, Acting P.J.  
                 Hastings, J.

DIVISION FOUR (Continued)

B166921      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Vincente P., Sr.

The order is reversed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                     Curry, J.

B165184      People      (Not for Publication)  
v.  
Bruce

The judgment is affirmed.

Hastings, J.

We concur:   Epstein, Acting P.J.  
                     Curry, J.

B161299      People      (Not for Publication)  
v.  
Miles

The judgment is affirmed.

Hastings, J.

We concur:   Epstein, Acting P.J.  
                     Curry, J.

## DIVISION FOUR (Continued)

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The judgment is modified as follows: (1) defendant's presentence custody credit is increased by one additional day, to 359 days; and (2) the concurrent terms imposed for enhancements alleged pursuant to sections 12022.53, subdivisions (b) and (c) and 12022.7, subdivision (a) are stricken. The superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting these modifications. As so modified, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION SIX

B164537 People (Not for Publication)  
v.  
Urzua

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B163354 People (Not for Publication)  
v.  
Hillyer

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SEVEN

B157149     Barton Properties, Inc. et al.            (Not for Publication)  
               v.  
               King Purtich Holmes Paterno & Berliner, et al.

The judgment is reversed insofar as the court granted summary adjudication on the first, second and fifth through eighth causes of action, and it is affirmed with respect to the summary adjudication on the ninth cause of action. The order awarding attorney's fees is reversed. Appellants to recover costs on appeal.

Woods, J.

We concur:   Perluss, P.J.  
                   Johnson, J.

B164347     Huang  
               v.  
               Democratic National Committee, et al.

Filed order vacating submission of January 9, 2004. Submission vacated to allow the parties to file supplemental letter briefs, pursuant to the Court's post-argument request.. The matter will be resubmitted upon receipt of the supplemental letter briefs.

DIVISION EIGHT

Court convened at 9:03 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B162895     People v. Moore

Argument waived, cause submitted.



DIVISION EIGHT (Continued)

B164540     People  
              v.  
              Bailey

Merits:  
Argued by Ronnie Duberstein for appellant and by Erin Pitman, Deputy Attorney General for respondent. Cause submitted.

B169276     Bearman  
              v.  
              Superior Court, Los Angeles County  
              (Joseph, r.p.i.)

Merits:  
Argued by Seymour Weisberg for petitioner and by Paul C. Ament, Deputy Attorney General for real party in interest. Cause submitted.

B162228     Asawa  
              v.  
              99 Cents Only Stores

Merits:  
Ronald T. Vera appears for respondent. There being no appearance by Edmund Farrell counsel for appellant. Argument waived, cause submitted.

B158727     Rapolla  
              v.  
              Massa

Merits:  
Argued by Richard J. Massa for appellant and by Marshall Sanders for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B159735     Farris  
              v.  
              County Of Los Angeles, et al.

Merits:  
Argued by Mark J. Leonardo for appellant and by Martin Stein for  
respondents. Cause submitted.

Court recessed at 10:50 a.m.

Court reconvened at 11:01 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy  
Clerk.

B163112     Ewing, et al.  
              v.  
              Goldstein

Appearances:  
Edmund Clarke, Jr. for appellants. There being no appearance by  
Christopher Zopatti for respondent. Argument waived, cause submitted.

B160892     Griffin, et al.  
              v.  
              Zonni, Ginocchio & Taylor

Merits:  
Argued by Matthew R. Seifen for appellants and by Mark R. Campbell for  
respondent. Cause submitted.

B169199     Kline Hawkes California  
              v.  
              Superior Court, Los Angeles County (Gross, et al., r.p.i.)

Oral argument continued to January 28, 2004, at 10:30 a.m.

DIVISION EIGHT (Continued)

Each of the following:

B167184 Karr, et al. v. King, et al.  
B162563 Citizen Against Gridlock v. City Of El Segundo  
B150299 Barovich v. Vogel, et al.

Oral argument continued to February 24, 2004, at 1:00 p.m.

B164381     Vogel  
              v.  
              County Of Los Angeles  
  
              Matter ordered off calendar.

Court recessed at 12:02 P.M.

Court reconvened at 1:01 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B167358     People  
              v.  
              Loya  
  
              Merits:  
              Argued by Richard Fitzer for appellant and by Yun K. Lee, Deputy  
              Attorney General for respondent. Cause submitted.

B163234     Veronica Espinoza  
              v.  
              Bankers Insurance Company  
  
              Merits:  
              Argued by Brendan Pegg for appellant and by Marshall Rosenbach for  
              respondent. Cause submitted.

DIVISION EIGHT (Continued)

B164190     Bernstein, et al.  
              v.  
              DaCorsi, et al.

Merits:  
Argued by Kevin S. Lacey for appellants and by Gary S. Soter for  
respondents. Cause submitted.

B164724     Patel  
              v.  
              Patel

Merits:  
Argued by Steven Kassam for appellant and by Neil A. Olsen for  
respondent. Cause submitted.

B166087     Martinez, Jr.  
              v.  
              Master Protection Corporation

Merits:  
Argued by Wayne D. Clayton for appellant and by Howard M. Rubin for  
respondent. Cause submitted.

B168561     Kinsey  
              v.  
              Sevilla, et al.

Oral argument continued to the February calendar.

January 27, 2004 (Continued)

## DIVISION EIGHT (Continued)

B166993      Southern California Edison Company  
v.  
California Public Utilities Commission  
(The Utility Reform Network, r.p.i.)

Merits:

Argued by Frank J. Cooley for petitioner, by Joel Perlstein for respondent and by Michael Strumwaser for real party in interest. Pursuant to the order issued on January 20, 2004, this matter will be submitted for decision on February 3, 2004.

Court adjourned at 3:28 P.M.

B161356 People (Certified for Publication)  
v.  
Partida

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.  
Flier, J.

B157936      Franks, et al.      (Not for Publication)  
v.

Burlington Northern and Santa Fe Railway Company

The judgment is affirmed. The parties shall bear their own costs.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

DIVISION EIGHT (Continued)

B168137      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Searcy F.

The juvenile court order terminating Mother's parental rights over Tyron is vacated. The matter is remanded to the juvenile court. The juvenile court shall order the Department of Children and Family Services to provide proper notice of the proceeding to each of the three Sac and Fox tribes. If after receiving proper notice, no tribe indicates Tyron is an Indian child within the meaning of the ICWA, the juvenile court shall reinstate the order terminating parental rights. If a tribe determines that Tyron is an Indian child, the juvenile court is ordered to conduct a new Welfare and Institutions Code section 366.26 hearing in conformity with all provisions of the ICWA. In all other respects the order is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B161040      WCT Corporation      (Not for Publication)  
v.  
City of Pasadena

The trial court's denial of WCT's petition for writ of mandate is affirmed. Each party to bear its own costs.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

January 27, 2004 (Continued)

## DIVISION EIGHT (Continued)

B165824      People                      (Not for Publication)  
v.  
Bentley

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

[illegible]

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.